

REMARKS

Claims 1-13 and 15-28 are all the claims pending in the application. Claims 18-23 have been withdrawn from consideration as being directed to a non-elected invention.

The recitations of dependent claim 14 have been added to independent claim 1, and dependent claim 14 has been canceled. New dependent claims 25-28 have been added in response the Examiner's rejections under 35 U.S.C. § 112, discussed below.

Claim Rejections under 35 U.S.C. § 112

Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite.

With respect to independent claim 1, the Examiner alleges that the phrase "the pipes" lacks antecedent basis. In response, Applicant has deleted this phrase, and has instead used the phrase "the gullet and windpipe" in claim 1 (as well as withdrawn claims 18, 19, and 23).

With respect to claim 5, the Examiner alleges that the phrase "guiding means a separation device ..." is unclear. In response, Applicant has added commas to this sentence so that the meaning is clear.

With respect to claims 7 and 17, the Examiner alleges that the claims are indefinite due to the use of the terms "preferably" and "preferred." In response, Applicant has deleted several recitations from each of claims 7 and 17, and has added dependent claims 25-28, directed to these features.

In view of these Amendments, Applicant respectfully requests that the Examiner withdraw the §112 rejections.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/600,591

Attorney Docket No. Q76205

Allowable Subject Matter

The Examiner has indicated the dependent claim 14 would be allowable if re-written in independent form an to overcome the rejections under 35 U.S.C. § 112, discussed above. Accordingly, Applicant has added all of the recitations of dependent claim 14 to independent claim 1.

In view of the amendment to claim 1, Applicant respectfully submits that claims 1-12, 15-17, and 25-28 are patentable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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